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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/009,080	11/29/2004	Mark T. Weinberger	1175PCT	5576

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EXAMINER

HANNON, THOMAS R

ART UNIT	PAPER NUMBER
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3682

DATE MAILED: 06/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/009,080	Applicant(s) WEINBERGER ET AL.	
	Examiner Thomas R. Hannon	Art Unit 3682	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

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Claim 1 is objected to because of the following informalities: In line 5, “an plastic” should be changed to --a plastic--. Appropriate correction is required.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-3 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

With respect to claim 1, it is unclear what the metes and bound are with respect to the preamble. Claim 1 recites and assembly “for use on a reciprocating piston pump having a housing and a displacement rod which reciprocates along an axis”. Such an intended use is not considered as a limitation of the assembly, however, subsequent language in the claim specifically refers to parts “threadedly engaged in said housing” and “disposed around said displacement rod” and “retained between said housing”. Accordingly, it is unclear if the elements of the intended use recitation are to be considered part of the claim, that is, is the claim directed to the wet cup throat seal and bearing assembly proper, or to the combination of a reciprocating piston pump having a wet cup throat seal and bearing assembly?

In addition, claim 1 is indefinite with respect to the language of “said bearing and said throat seal are disposed around said displacement rod and retained between said housing and said wet cup.” While it is understood that the bearing and the throat seal are disposed around the displacement rod, it is not understood how they are “retained between the housing and the wet cup, as it is the wet cup which is engaged in the housing. That is, since the throat seal and

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bearing assembly are within the wet cup, and the wet cup is engaged in the housing, it is not understood how the throat seal and bearing can be between the housing and the wet cup.

A patentability determination based on the prior art will be to the extent understood, and with the scope of the claim limited to the wet cup throat seal and bearing assembly.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Bimba U.S. Patent No. 3,518,920.

Bimba discloses a seal and bearing assembly (no patentable weight is being given to the terms “wet cup throat” as no structural limitations are provided therein) comprising a cup (9, shown with external threads for engaging a not shown housing), a plastic bearing (12) having a shoulder (13) and cut parallel to the axis (shown by Figure 4); and a seal (10), wherein the bearing and the seal are disposed around a displacement rod (7). With respect to claim 2, note groove 19, which defines the seal 10 as a U-cup seal.


Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bimba U.S. Patent No. 3,518,920. With respect to the specific material of the bearing, it is noted that Bimba discloses the bearing made from “a wear-resistant, low coefficient of friction type of material”. It would have been obvious to one of ordinary skill in the art at the time the invention was made to form the bearing of Bimba of acetal, as this is known in the art as being a bearing material having wear resistance, and a low coefficient of friction.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas R. Hannon whose telephone number is (571) 272-7104. The examiner can normally be reached on Monday-Thursday (8:30-7:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Ridley can be reached on (571) 272-6917. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Thomas R. Hannon
Primary Examiner
Art Unit 3682

trh